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A LETTER

TO THE AUTHOR OF

THE REVIEW

OF THE CASE OF THE

PROTESTANT DISSENTERS;

WITH

A SHORT ADDRESS

TO THE RIGHT REVEREND

THE LORD BISHOP OF ST. DAVID'S.

BY SIR HENRY ENGLEFIELD, BART.

TO WHICH IS ADDED,

AN ABSTRACT OF, AND SOME GENERAL OBSERVATIONS UPON THE LAWS NOW IN FORCE AGAINST THE ENGLISH PROTESTING CATHOLIC DISSENTERS.

Omne animi vitium, tanto conſpectius in ſe crimen habet, quanto major qui peccat, Habetur.

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A

LETTER, &c.

DURING a long ſeries of years have the Engliſh Catholics borne in ſilence the invectives with which their Proteſtant fellow citizens have never ceaſed to load them. To the heavy, and I truſt, unjuſt, charges continually exhibited againſt them, from the bar and the pulpit, they have hitherto oppoſed nothing but the uniform tenor of a quiet and peaceable conduct, and a reſpectful obedience to the laws of their country. They hoped that the prejudices of their countrymen would gradually ſubſide, and that a nation, famed for its mild and tolerant ſpirit, would at length, without a monitor, conſider how far the opinions they had formed of the adherents of the religion of their anceſtors, were juſtified by the actions and behaviour of thoſe whom they had daily opportunities of inſpecting and examining.

They ſeem to have hoped in vain. Their ſilence has been conſtrued into an avowal of the charges brought againſt them, and, becauſe they have ſaid nothing, it has been ſuppoſed that they had nothing to ſay. Mean while, if the ſcourge of the law, ever ſuſpended over their ſhoulders, has been ſometimes arreſted in its fall; mercy, not juſtice, has with-held the blow; and they have not unfrequently been bidden to remember while they feaſted, how ſlender a thread held harmleſs over them the two-edged weapon which gleamed in their eyes.

It is ſurely time that we ſhould appeal to the juſtice and candor of our brethren, and no longer give force and weight to the accuſations of our enemies, by ſuffering them to remain unrefuted. That we ſhould ſpeak to the phantoms which haunt us while we fly them, and would vaniſh if boldly queſtioned. Sunk as the energies of our mind muſt be by the operation of thoſe laws which ſcarce permit us to feel the conſcious and virtuous pride of free citizens; ſtill even the air we breathe is the air of liberty, and the land which has nurſed us entitles us to the revered name of Engliſhmen. It is then our duty, with modeſt firm-

firmneſs, to vindicate our honour from the attacks of ancient and inveterate prejudice; and prove, that if the numerous and varied penal laws are ſtill to remain in force againſt us, are ſtill to threaten our lives, diminiſh our fortunes, and preclude us from almoſt every line of honeſt exertion by which we might ſerve our country, or diſtinguiſh ourſelves; we are not wholly unworthy of a better fate; and that if policy juſtifies the ſtate in thus chaining us to the rock, the vultures, who, by blaſting our fame, gnaw our vitals, are without excuſe.

Had the "Review of the Caſe of the Diſſenters" been given to the public, without the name of its ſuppoſed author, it would ſcarcely have merited a particular notice; as it probably would have ſunk into ſilent oblivion, in company with the numerous tracts, which in a moment of heat, like that previous to the application of the Diſſenters to parliament this year,

"Strut and fret their hour upon the ſtage,
"And then are heard no more."

But when, though anonymous in its title, it was by the public voice announced as the

production of the biſhop of St. David's, a man juſtly celebrated in the annals of ſcience, and carrying with it a degree of authority, which to weak minds is equal to conviction, and to indolent ones ſaves the trouble of inveſtigation, an attack from ſuch an adverſary it was important to repel. I peruſed it with eager attention; but how much ſoever I might be hurt by the invectives poured out againſt us, I was ſoon convinced that it could not be the work of that much reſpected prelate to whom it was aſcribed. From the learned commentator of Newton, I expected that mathematical accuracy which adopts no axiom, and takes no fact for granted without full and entire proof. From the ſucceſsful champion of Chriſtianity againſt the attacks of Arian and Socinian, that logical preciſion which admits no lame concluſion from the beſt eſtabliſhed premiſes; and from a reſpectable prelate, that ſpirit of benevolence and charity, which his profeſſion peculiarly demands, and which his previous ſtudies muſt have immediately tended to excite, from his intimate and neceſſary acquaintance with that ſacred page, which tells him, that though a man ſpeak with the tongues of men and angels, and have not charity, it profits nothing, but leaves him as the ſounding braſs.

A very

A very different ſpirit appears to have guided the pen of the author of the Review, to a very different hand then muſt I aſcribe the work. Of the tree I muſt judge by its fruit.

Not then to the biſhop of St. David's are the following pages, not to him is the motto of the book addreſſed, but to the nameleſs author of the Review of the Caſe of the Diſſenters, to him "qui major *habetur*;" who, by an indirect aſſumption of ſo celebrated a name, has obtained for his book a reſpect which I ſhall now endeavour to ſhew it has not in itſelf deſerved,

To him, whoever he be, I ſhall now ſpeak, not with greater freedom than if he publickly bore the higheſt title; for, in the cauſe of truth, as I know no diſtinction of perſons, ſo did I combat the loweſt adverſary; I would not, for my own ſake, deſcend to invective or abuſe; but with this reflection at leaſt, to ſooth me in the painful taſk I feel myſelf called upon to undertake, that it is not from a quarter ſo elevated that this unprovoked, and I truſt undeſerved attack has been made on a body of men "more ſinned againſt than ſinning;" and the hope, that if you, Sir, (for I hate the indirect

direct mode of addreſſing you in the third perſon) chuſe not to avow the poſitions and reaſoning you have put forth to the public, the biſhop of St. David's will, at the ſolemn call of one of an injured claſs of Britiſh ſubjects, withdraw from your book the ſupport of his name, nor ſuffer the numerous herd of men, "addicti jurare in verba magiſtri," any longer to ſuppoſe, that ſuch are the ſentiments of a prelate not leſs diſtinguiſhed by his abilities than his rank.

Had you, Sir, confined yourſelf to the ſubject announced in your title page, it would never have entered into my mind to anſwer or combat you, but to pens more able and more exerciſed in controverſy than mine, would it have belonged to inveſtigate the accuracy of your facts, and the ſtrength of your arguments. As, however, you have choſen to turn from the foe whom you was combating, to aim a blow at an unarmed and unſuſpecting byſtander; you cannot be ſurprized if I ſhould not ſolely diſcuſs thoſe parts of your book which immediately relate to the Engliſh Catholics, but make ſome few obſervations on ſome other paſſages which do not ſo directly apply to our cauſe. Not with a view to the merits of the

claim

claim of the Diſſenters, with whom, both as an individual and as a member of the body of Engliſh Catholics, I am totally unconnected, and for whoſe deſigns, if they tend to alter or weaken our moſt excellent conſtitution, you, Sir, cannot feel a greater horror than I do; but to afford a collateral proof to thoſe who ſee every thing relating to us through ſuch a cloud of prejudice as ſcarcely to admit a ray to come undiſtorted to their mental eye; that even on ſubjects unenveloped with that cloud, which I am ſorry to ſay, covers on your mind, with reſpect to the Engliſh Catholics, with midnight darkneſs; your facts are not always accurate, nor is your reaſoning concluſive.

Though with the private hiſtory of your yet unpubliſhed book it ſhould ſeem, that the public had but little concern; yet, as you have choſen to give it, I cannot paſs over ſome paſſages in your advertiſement. You ſay, that your book was written in the year 1787, you profeſs in the body of the book, page 3, that it is the printed Caſe of the Diſſenters you mean to anſwer; that printed Caſe, and that only you reprint; and boldly aſſert, that in the ſubſequent Caſes nothing has been ſtated to alter the real Caſe. It would have been fair,

at leaſt, to have reprinted their ſubſequent Caſes, to have given your readers an eaſy means of judging how far your aſſertions were founded. It would have been candid not to profeſs in your advertiſement to diſcuſs the *real Caſe*, when your book poſitively reſtricts you to their printed Caſe; but on theſe points as not immediately concerning the Catholics; I ſhall not enlarge. Of three things, however, directly relative to us, I muſt take a very particular notice. The Diſſenters, on a repreſentation from us of the great hardſhip we thought we ſuſtained by their manner of involving our queſtion with theirs, in the paſſage relative to Oaths and Declarations, have lately not mentioned us in any way in their Caſe. Had you therefore been diſpoſed to adhere to the ſubject announced in your title, had you not been inclined to confound ſubjects totally and fundamentally different, your book needed not to have contained one word on the ſubject of the Catholics. If, however, that ſubject was ſo near your heart that you could, after three years pauſe, ſuffer ſuch a paſſage as that in pages 7, 8, and 9, of your book ſtill to remain unexpunged; what reaſon can you give for your total ſilence on that ſolemn and voluntary Declaration made in the ſpring of

1789,

1789, by almoſt every Catholic in the kingdom, and delivered with every precaution, to give it weight and notoriety, to both houſes of parliament. To ſuppoſe you ignorant of it is impoſſible; if, having read, you diſbelieve our aſſertions, you ſhould, at leaſt, have held us up as guilty of a new inſult on the common ſenſe of our fellow ſubjects; and having by this voluntary and general lie, filled full the meaſure of our iniquity. If, having read and believed, your pen did not by an involuntary motion cancel what your book contained againſt us; my readers, ſhall each for himſelf, ſupply the obſervations which I will not make on your conduct.

The very liberal toleration granted to the Non-Catholics of France, by the Edict of 1788, might, I ſhould have thought, have ſoftened your mind towards the Catholics: ſo far, at leaſt, as to have induced you to be ſilent if you could not commend, thoſe whom you have gone out of your road to traduce and inſult; leſt you ſhould be convicted of reverſing the rule of action laid down by our divine Maſter to his followers, and perſecuting thoſe who were doing good to you. So much, Sir, for the ſettled and rooted enmity which

your preface avows towards us, which neither the alteration of circumſtances in the buſineſs you profeſſedly attack, nor our own ſolemn appeal to our fellow citizens, nor the benefits conferred by our foreign brethren on yours, have been able to ſoften or abate. I will now examine, whether the edge of your weapon, or the force of your arm, are equal to the deliberate malignity with which the blow was aimed.

I cannot omit what ſtrikes me in the ſecond page of your book; the pompous capitals in which you dreſs the words "for ever hereafter." Surely, Sir, every act of the legiſlature, which is not ſpecified to have a limited duration, is juſt as much of an eternal nature as thoſe now in queſtion, and it ſeems ſcarce worthy of a ſerious diſputant to endeavour thus obliquely to inſinuate, that theſe acts have ſomething of a more ſacred and ſolemn nature than any others.

The great axiom you lay down in page 4. "For ſelf-preſervation is the leading prin-
"ciple which muſt govern the whole mora-
"lity of a ſtate; in ſo much, that no claim
"on the part of a citizen, or of any deſcrip-
"tion of citizens, temporal or eccleſiaſtical,
"can be juſt and equitable (the government

"itſelf

" itſelf being ſuppoſed a juſt one, both in " its principles and execution) which may be " contrary to the ſtate's ſecurity," ſeems to me to demand a few words. If you had not inſerted that qualifying parentheſis, " the govern- " ment itſelf being ſuppoſed a juſt one, both " in its principles and execution," I think few Engliſhmen would have been found who would not have execrated it. But if that parentheſis renders it leſs exceptionable, it does at the ſame time render it inconcluſive and inapplicable to the preſent caſe; as the natural queſtion, whether a government impoſing ſuch diſabilities as thoſe complained of, does not thereby ceaſe to be juſt; is left totally unanſwered.

Over theſe parts, which however weak they appear to me, do not immediately concern the cauſe I defend, I paſs rapidly, and haſten to your ſixth page, in which the great attack on the Catholics does properly begin: this attack you preface with two ſingular propoſitions. The firſt, " Perhaps it might ill become pri- " vate citizens, without ſome better authority, " than merely that of their own judgments, " to agitate a queſtion, which the legiſlature " of the country hath once ſolemnly decided." If it means any thing, means a denial of the ſubjects right to petition parliament for a re-

dreſs of grievances, if ſuch grievance ſhould ariſe from an act at any former period paſſed. A right, which as an Engliſhman I muſt aſſert, as one of the corner ſtones on which the noble ſuperſtructure of our liberties ſtands.

The next propoſition, uſhered in with a ſneer at experiment, which ill accords with the philoſophic character of the learned prelate for whom you wiſh to paſs, is an oblique denial of the validity of an appeal to experience. I was yet, Sir, to learn, that experience which the united voice of men in all ages, and in all countries, has dignified with the title of the Mother of Wiſdom, is an authority which ought not to be quoted on any ſubject; much leſs on political points where (or the page of hiſtory is an idle ſtudy for the ſtateſman) ſhe has been ever held the peculiar and ſure guide. Happy would it be for your ſubſequent paragraph, could you perſuade your readers into an equal contempt for her, with that which you ſo artfully expreſs. They might perhaps then, in defiance *to her* leſſons, take *yours* to guide them through the labyrinths into which you lead them.

Thus

Thus prepared, you attack a poſition which, till your book appeared, no man had been bold enough to controvert; namely, that "The oaths of allegiance and ſupremacy, "and the declaration againſt tranſubſtantiation "have been found effectual for more than a "century, to exclude Papiſts from both houſes "of parliament." This poſition ſeems indeed to be to you a gordian knot, which, unable to untie, you have bravely reſolved to cut. Whether your weapon bears a nearer reſemblance to the generous ſword of the victorious Macedonian, or the baſe rapier of the fat knight, whom your preface mentions, mangling with coward wounds the fallen Percy; let thoſe decide who will patiently with me diſcuſs your wonderful paragraph.

The Proteſtant Diſſenters have aſſerted, that the "Oath, *&c.*" have excluded Papiſts from both houſes of parliament; and it is a natural conſequence that the ſame oaths and declaration ſhould be effectual, without the ſacramental teſt, to exclude Papiſts from all thoſe offices from which the corporation and teſt acts were intended to exclude them.

You

You anſwer to this, that the oaths and declaration in queſtion have not been the means of excluding Papiſts from parliament, yet you allow that the teſt has kept them out of corporation offices. Now, Sir, as a Proteſtant Diſſenter, I muſt deny the probability of the truth of this argument. If I believe with you, that the Papiſts are guided by a morality ſo depraved, that they are ready at all times not only to ſwear an allegiance they do not mean to keep, but ſolemnly and abſolutely to deny the moſt important articles of their faith, I cannot perceive any reaſon why their duplicity ſhould ſtop at that point, and why the church, which allows them to forſwear her, ſhould forbid them to take one more ſtep and join in the participation of a rite which ſhe muſt conſider as abſolutely nugatory and of no importance whatever, as ſhe holds the church, which adminiſters it to be no church at all; and in order to render your argument concluſive, it is incumbent on you to bring direct and poſitive proof, that ſuch are the orders of the church of Rome to her adherents in England. You muſt ſhew me the bull or brief, which preſcribes the limits of depravity to the ductile conſciences of Engliſh Papiſts; or, you have proved too much, and convinced me, that

with regard to the Papiſts the teſt itſelf is no barrier. And you cannot refer to the teſtimony of experience, you cannot reaſon from the conſtant refuſal of the teſt by the Papiſts, *that* refuſal having been equally conſtant to the oaths and declarations, by which, as they are infinitely more aggrieved, they ſhould have been more ready to take them, had they not ſome moſt powerful and conſtant reaſon preventing them: not to ſay, that you have yourſelf told us, that on this ſubject experience is not to be our guide.

But, Sir, as one of that body of men on whom you fix an imputation of this moſt dreadful nature, whom you thus hold up as capable from principle of breaking every bond which holds together man and man, and what is ſtill more wonderful, *conſcientiouſly* calling the Divinity to witneſs our deliberate falſehoods, from whom you take even the merit of our patient long ſuffering under laws moſt grievous, and at every moment and in every action of our lives cruſhing us under their almoſt unſupportable weight, into the receſſes of whoſe conſciences you pretend to dive, and there to ſee that our actions, apparently the moſt meritorious, are not to be aſcribed to any other than

than ſiniſter motives, and that pride and obſtinacy have in us the effect of probity; whom you thus condemn to ſuffer, unpitied, the eternal torments of theſe penal laws; as you declare, that you neither will believe our proteſtations of abhorrence of thoſe doctrines which you, though we deny them, aſſure us we hold, for which you thus puniſh us; nor allow us the appeal, which to the moſt atrocious criminal is never denied, the appeal to our general conduct; I muſt go further; I muſt endeavour to ſhew that your argument is not only defective, if true, but is founded on groundleſs prejudice and miſrepreſentation.

You firſt directly aſſert, that "the truth is, "that the excluſion of Papiſts, for the laſt "century, from parliament, hath not been "the effect of any oaths or declarations." Your proof of this poſition is as far from preciſion in its mode, as from fact in its ſubſtance; for you proceed, "for if it be ſup-"poſed that Papiſts, during all this time, have "been governed by their old principles, no "oaths or declarations, made to a govern-"ment, which their church hath deemed he-"retical, can have bound their conſcience." Thus bringing a conditional in ſupport of a di-

rect position. Do you mean by this mode of ſtating your proof, that you have doubts of its truth? If you have not, you ought to ſay directly, For Papiſts having, during all this time, been governed by their old principles, no oaths or declarations made to a government, which their church hath deemed heretical, can have bound their conſcience. Your argument would then, at leaſt, be regular in form, however it might be defective in force. Taking it therefore for granted, that ſuch is your meaning, I muſt now anſwer you. If I was in contradiction to you to aſſert, that your poſition is totally falſe, you would, I doubt not, anſwer, that, as a Papiſt, you gave no more credit to my aſſertions than you would to my oath. But, Sir, when you ſtrike at the very foundation of the moral character of a whole body of men, you are bound by every law of God and man fully to prove your aſſertion. To that proof I dare you. On the iſſue of that proof I ſtake my character; and I thus publickly defy you to produce one ſingle inſtance in the whole hiſtory of this country in which the guilt you load us, with can be attributed to us. Mean while, I will give you many inſtances in which we have ſuffered the

accumulated preſſure of want, and inſult, and perſonal injury, rather than relieve ourſelves by taking oaths, which our conſciences forbid.

Until within theſe ten years, our paternal eſtates were at the mercy of every Proteſtant relation, who could be baſe enough to ſtrip us of them; and ſuch inſtances have not been unfrequent. While I write, we are, at the call of the man who in ſport or malice chuſes to torment us, amenable before any juſtice of the peace, and the reluctant magiſtrate cannot refuſe to tender to us theſe oaths, which if we decline taking, as we ever have done, we become recuſants convict, are liable to enormous fines, to impriſonment, are out of the protection of the laws, and may even be compelled to abjure for ever our native land; (ſee the Appendix,) and this mode of revenge is often purſued againſt us by the meaneſt of men, if we dare attempt to protect our common rights as citizens againſt their inſults. Theſe oaths preclude our youth from the practice of the moſt alluring and lucrative branch of the honourable profeſſion of the law, I mean the bar; and here I am happy, Sir, to

bring

bring direct proof, that our religion does not inſpire our fellow citizens with that horror you are fond to think; as no period has been without ſeveral counſel eminent in their chamber practice, and indiſcriminately reſorted to by perſons of all perſuaſions; who would ſcarcely truſt their moſt momentous concerns in hands which they thought on any pretence abſolvable from every tie of juſtice and fidelity, as you ſtate ours to be. And, I think, I may fairly conclude, that our fellow citizens would not fear to employ our abilities in the public defence of their perſons and property, where our villainy would have much leſs ſcope for action, and a much greater probability of detection. Of theſe facts, every one of which I am able and ready to prove by producing legal evidence of them, I muſt and will ſuppoſe you ignorant; for *my* mind will not admit the idea of *yours* having attained that pitch of depravity, that knowing you have concealed them. But, Sir, what apology can you make to us, or to the public, for thus inſulting both, by boldly treating a ſubject, of which you knew not any thing; particularly when your book traduces us, and miſleads our fellow citizens on points of the higheſt importance to both. I ſay to

both; becauſe to a generous mind, and Engliſhmen are generous, no ſmall pain attends the conviction of the depravity of any man, or ſet of men, particularly when connected by ties of friendſhip, neighbourhood, or fellow citizenſhip. To my generous countrymen then, I do now ſolemnly declare, to thoſe once of our communion, and whom, as having left us, you now may poſſibly credit, I refer you, Sir, for a proof of the truth of my aſſertion, that the taking the oaths and declaration in queſtion has ever been invariably conſidered as an entire ſeparation from our communion, both by thoſe who took them, and us whom they left.

Your next period diſcloſes to us that great ſecret which had hitherto been unknown and unſuſpected by all the ſucceſſion of ſtateſmen and legiſlators of this country; the diſcovery of which was moſt wonderfully reſerved for the intuitive force of your genius; as I think I have proved that to your acquired knowledge of our affairs you owe but little; namely, the real bar to our admiſſion into the houſe of commons. I muſt quote your words. "The "notoriety of their Popery, and the dread and "ab-

" abhorrence of the principles of the church " of Rome, which the people of this country " in general entertain, have been the real, " oaths and declarations have been only the " apparent means of their excluſion from the " houſe of commons." This you proceed to prove by an aſſertion which, deeply as I am wounded by your ſlanders, and little diſpoſed as I am to mirth in this moment, I do not now read without a ſmile. " No one can without " ſome notoriety of character, become a can- " didate for a ſeat in parliament. His ſituation " in life muſt be conſpicuous and reſpectable: " his family and his connexions muſt be " known." Tell me, Sir, and tell me fairly; do you think if you were to ſpeak theſe ſentences in any aſſembly of men in this country, their uncontroulable laughter would permit you to be heard to the end of them, ſhort as they are? Where, Sir, have you lived, in what corner have you been buried, that the name of Rotten Borough, ſo often and ſo loudly echoed through this country, ſhould not have reached your ear? Am I, Sir, to inform you that many boroughs in this realm never dreamt of aſking any other particulars relative to their repreſentative than the true ſpelling of his chriſtian and ſurname to be inſerted in their return?

Will

Will you force me to name to you men truly reſpectable, but who born and bred in the north of Scotland, have ſcarcely been of age before they have been ſeated in a borough near the Land's End?

Your next period is another proof how much inclined you are to wound us by oblique blows, and that, without that diſcretion, which is the better part of valour. Who, Sir, who unacquainted with this country ſhould read theſe words: "It is difficult for any one in this "rank of life to make a ſecret of his religion; "and to a Papiſt the difficulty is heightened "by the very nature of his religion: which "delighting as it does, in externals, tends to "the diſcovery." But would ſuppoſe our religion paraded this realm, dreſſed in her moſt gorgeous attire; that her proceſſions infeſted our ſtreets and ways, pouring illegal bleſſings on our houſes and fields: that her friars, with ſhaven crowns and drugget weeds, inſulted the ample perukes and ſilken caſſocks of the eſtabliſhed clergy; that her nuns preſumed with an unholy veil to cover their faces from the inſpection of their fellow citizens, when they quitted their cloiſter to walk in public; that her prieſts, with open doors, preſumed to approach

proach the altar cloathed in ſilk over linen, inſtead of linen over ſilk; and that her bells moſt wickedly broke the ſilence of the night and the repoſe of ſober Chriſtians, by calling irregular perſons together to ſing the praiſes of God, in the words of David, at undue hours. With what increaſing wonder would he gradually learn, that the moſt inacceſſible corner of our houſes is uniformly choſen for the celebration of our religious duties; that the act of hearing maſs, as well as that of ſaying it, is at this moment an offence puniſhable by death; and that for that offence alone more than one prieſt has been dragged from the altar to the gaol, and from thence to the ſcaffold; that even, in our own time, ſeveral inſtances have occurred where prieſts have been proſecuted on theſe ſtatutes, and have eſcaped only by the humanity of the judges and jury, or for want of compleat legal evidence; and one, where perpetual impriſonment was inflicted on a prieſt for the offence of ſaying maſs; that, in a word, every external mark of our religion conſtitutes us offenders againſt one or other of the numerous ſtatutes in force againſt us. Nor can I, after the moſt careful review of our religion, in my own mind find out one ſingle external mark to diſtinguiſh us from other Diſſenters,

except

except that we, on certain days, abſtain from certain meats; a practice which the liturgy of the church of England does at leaſt recommend to her ſons, and to which an act of parliament now in force obliges every Britiſh ſubject.

Though, Sir, your next period "And ſo "great even in theſe times of indifference "is the dread of Popery, that were a reputed "Papiſt to become a candidate to repreſent "the moſt corrupt borough in the kingdom, "it would be impoſſible that he ſhould carry "his election" has been in ſome degree anſwered before, yet I muſt give a direct proof of the inaccuracy (to ſpeak in the ſofteſt terms) of this propoſition which, as uſual, you pronounce as an axiom, which it would be ſuperfluous to attempt to prove. Do you think, Sir, that the worthy and independent electors of the borough of Old Sarum would refuſe any gentleman who might be recommended to their choice, on account of his religion? But to come quite home to the queſtion, did you ever hear that the family of Montagu, Catholic till within theſe fifteen years, which had a power of recommendation in the borough

borough of Midhurſt, very ſimilar to that of Lord Camelford at Old Sarum, ever attempted to return a ſuſpected Papiſt as Member for that borough? In truth, Sir, I am really aſhamed at having waſted ſo much paper in anſwering you.

Though, with regard to the excluſion of the Catholic Peers, a noble Lord of our communion has very fully anſwered your aſſertions and reaſoning in a letter equally polite and convincing, addreſſed to the biſhop of St. David's, yet as that letter is more of a general nature than the examination I have propoſed to myſelf, I muſt add ſome ſentences to what Lord Petre has ſaid. You proceed, "In the upper houſe, "Papiſts have been excluded from the ſeats, "to which birth might entitle them, not by "oaths and declarations, but by the ſenti- "ments inſeparable from hereditary nobility. "A perſon in this high rank appears as a "patron and protector of any party to which "he may belong. And whatever general ap- "probrium may follow the party, ſomething "of reſpect and honour waits upon the cha- "racter of a powerful chief. The diſtinction "gained in his own party, is a compenſation "to every Peer of the Roman communion,

" for the conſequence which he loſes in the " ſtate, by an adherence to the religion of his " anceſtors. He therefore chearfully excludes " himſelf from his hereditary place in the " legiſlative council; eſpecially when his ad- " miſſion to it cannot be attained, without " mean diſſimulations, which would wound his " feelings as a man of honour, whatever ſub- " terfuges the caſuiſtry of his church may have " provided for his conſcience."

I cannot, Sir, wonder from what you evidently think of us, that you ſhould ſuppoſe that our ſentiments with regard to dominion are congenial to thoſe of that mighty chief of old, who thought it " better to reign in hell " than ſerve in heaven;" and I agree with you in the general principle, that even Catiline and Cartouche have " ſomething of reſpect " and honour waiting on their characters." But, Sir, I deny that this, when granted, applies to the preſent queſtion. Of the few Peers ſtill remaining to us, the ſituation in life precludes from a majority, a poſſibility of their being powerful chiefs. Moſt of them, Sir, are ſo limited in fortune, that if reſiding in quiet on the ſmall relic of their paternal property, they can juſt give to their family the education ſuited

to their rank, and ſave their waining honours from total eclipſe; they think themſelves happy; and not many years are elapſed ſince ſome of the moſt noble blood of this country was ſunk far below even this humble ſtation. Tell me, Sir, if ſuch men can by any torturing of the words be conſtrued into powerful chiefs or patrons, and protectors of any party.

But though our Peers were thus poſſeſſed by the demon of pride, though they were in a ſituation of life from opulence and its concomitant influence to be chieftains of their party; ſtill, Sir, according to your own principles before laid down, their refuſal to take the oaths can give them no diſtinction in this party; for if, as you ſtate, their oaths are not binding to their conſciences, they could only be deemed ideots by their fellow Papiſts for refuſing to take them, and very lukewarm friends to their church, for not putting themſelves in a ſituation in which, without quitting her communion, they might be ever ready to do her all thoſe ſuppoſed ſervices; and the eſtabliſhed church all thoſe dreadful miſchiefs, which ſeem to keep the minds of many of our countrymen in a ſtate of conſtant terror and alarm.

To put this argument into ſtill fewer words; you muſt ſuppoſe, either that the oaths in queſtion are conſidered by us as binding, and of courſe the taking them is a proof of our renouncing our religion; or that they are not. If they are, then your whole former argument falls to the ground, and the poſition laid down in the Diſſenters caſe is eſtabliſhed. If they are not, then the refuſing them can give us no conſequence with our party, as the taking them leaves us as good Papiſts as we were before. I own I can find no third conſequence deducible from theſe premiſes.

You add, however, another reaſon for this refuſal, namely, that their feelings, as men of honour, would be wounded by doing what in conſcience they thought they might do. Now, Sir, though I know that on many occaſions the mind of man acts in contradiction to itſelf, particularly when powerful intereſt attracts him from the ſtraight path of honour; I own I cannot conceive the probability that a man of the nice honour you deſcribe, who feels the ſhame and ſin of mean diſſimulation ſo ſtrongly as to ſtand firm in points where intereſts of the higheſt moment, both to his ambition and avarice, muſt lend their bias to lead him the other way;

way; ſhould, for a moment, continue to conſort with men who teach him that on any poſſible ground, *that* good faith and ſincerity which conſtitutes the firſt tie of ſociety can be broken; and that ſuch a man ſhould be at once faithleſs and honourable, ſincere and depraved, firm to men whoſe doctrines muſt fill him with horror, and unaſſailable by the united voice of principle and intereſt, calling him from an herd of villains to the honourable band of free and loyal citizens. I repeat it, Sir, I cannot comprehend that ſuch an abſolute contradiction can exiſt in the mind of any man.

If, however, with you I aſcribe the forbearance of our Peers to this ſingular point of honour, your reaſoning then is falſe; for whatever be the motive which actuates our Peers in their refuſal of the oaths and declaration, the taking of which would open the doors of their houſe to them; the oaths have their full operation; and your argument is equally defective, whether pride or conſcience forbid their taking them; your poſition therefore is equally uncharitable and inconcluſive.

I hope, Sir, that I have proved that it is not our ſingular and inexplicable obſtinacy which

which ſtill leaves us under the operation of the diſabling laws, and cuts us off from a participation of the nobleſt right of freemen, that of forming a part of the legiſlative body of their country. Yet, Sir, ſeverely as theſe laws operate on the nobility and gentry of our communion, ſome conſolation yet attends our lot; forbidden to launch on the ſtormy ſea of ambition, we are forced to turn ourſelves to more tranquil purſuits; our inactivity is not diſgraceful; our minds are not tainted by the powerful corruptions of a court, nor entangled in the crooked paths of political purſuits; the ſocial virtues are left to us; and if the prejudices of our neighbours forbid them to love and aſſiſt us, ſtill they cannot very eſſentially hurt, and muſt, if we are by our conduct reſpectable, eſteem us. But from thoſe of inferior rank in life, the prejudices of their neighbours almoſt preclude the means of ſubſiſtence; and the want of mutual confidence, which embitters the life of him who has an independent fortune, is death to the man who lives but by the eſteem of his equals. Unhappily in thoſe ranks, where they operate to the moſt eſſential miſchief, theſe prejudices are the ſtrongeſt; and it is no exaggeration to ſay, that in many parts of England the few Catholics who remain

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in the lower ſtations of life, are by their operation almoſt deprived of bread. I cannot, Sir, deſcribe my feelings, when I ſee reſpectable names aſſumed to perpetuate prejudice, and break the reed which the law ſo ſeverely bruiſes.

I muſt now proceed to ſay a few words on your poſition, that "the reformation of religion hath been a principal cauſe of the progreſs of learning and the advancement of ſcience, within the two laſt centuries;" perhaps, Sir, you will be ſurpriſed when you hear me ſay, that I am more inclined to believe the reverſe of that propoſition, and that my opinion is, that the advancement of learning was a principal cauſe of the reformation. Yes, Sir, I am free to own that many and great abuſes had, in the dark and barbarous times which preceded the fifteenth century, crept into the diſcipline and practice of both clergy and laity, and that a reformation was highly neceſſary; whether or not the reformers went too far, is quite a different queſtion; but I muſt aſſert, that the revival of letters preceded by many years the æra of Luther and Calvin; and that Italy in general, and Rome in particular, at that period, was full of men eminent

in every branch of ſcience then known, and ardent in the advancement of them; that the rude hands of many of the reformers, by the indiſcriminate deſtruction of the libraries in every abbey and church where they prevailed, did moſt eſſentially prejudice the cauſe of learning; and the furious fanaticiſm of others rendered them totally unfit for any improvement. Witneſs the refuſal of the Gregorian Reformation of the calendar by almoſt all of them, on the ſole ground of its coming from Rome. Much more might be ſaid on this ſubject, but I will only obſerve, that the real cauſe of the vaſt advancement of Europe in learning within the two laſt centuries is the admirable invention of printing, which not only unlocked the ſprings of knowledge and rendered them eaſy of acceſs to every one diſpoſed to drink at the ſacred ſources, but has diffuſed their waters as they flow into a thouſand channels, carrying with them life and vigour over the whole face of the land, and rendered Europe one great commonwealth of literature and ſcience, where every man may profit of his neighbour's improvement, and feel the ſpur of a generous emulation exciting him daily to freſh exertions. All therefore that you ſay, on this ſubject, I muſt conſider as

equally

equally inaccurate and foreign from your purpoſe.

When, Sir, you ſay "on the contrary, no "longer than ſince the year 1768, when it "was propoſed to exempt the Roman Ca- "tholics in Ireland from the penal laws, upon "condition that they ſhould ſwear allegiance "to the King, and declare their abhorrence of "thoſe infernal doctrines; the court of Rome "exerted all its influence with the Iriſh Catho- "lics to prevent their acceptance of theſe con- "ditions." You do not fairly ſtate the conduct of the court of Rome, with reſpect to the Iriſh oath. No ſpecific objection was ever made by that court to the oath, but that ſhe had not been conſulted in the framing it; and there the buſineſs ended. The Iriſh took the oath, and no cenſure of their conduct in ſo doing has ever in any ſhape come from Rome.

I muſt here add, what it would have been candid in you, Sir, to have noticed, that when the oath, which all the Engliſh Catholics took in 1778, was in agitation, not a ſingle objection to it was made by the court of Rome, nor has any diſapprobation of the conduct of the Catholicks ever been in any manner teſtified.

The oath taken by biſhops at their conſecration, is not as you ſeem to think peculiar to the Iriſh biſhops, but is taken by all in our communion, who are raiſed to the epiſcopal dignity. The paſſage in it ſo loudly objected to, "Hæreticos Schiſmaticos & Rebelles eidem "Domino noſtro vel ſucceſſoribus prædictis, "pro poſſe, perſequar et impugnabo," is not, I think, fairly tranſlated. "Perſequi" does rather mean to ſeek diligently for, and "impugnare" to oppoſe and refute by argument, duties which are incumbent on every paſtor. Suppoſing, however, that theſe words do bear the ſenſe uſually attributed to them, it is to be remembered, that the puniſhment of hereſy was fomerly a part of the civil law of every country; that the ſtatutes which conſtitute hereſy a capital offence, in this country, are yet unrepealed; and that perſons convicted on thoſe ſtatutes have ſuffered death as late as the reign of James the Firſt; and that, at this moment, every magiſtrate who ſwears to enforce the laws, does virtually, in reſpect to us, take the ſame oath. In this caſe, and in many others which might be brought, (the oath taken by churchwardens in particular,) it never has been eſteemed perjury or evaſion, not ſtrictly to adhere to every ſenſe which may be given to, or

every

every conſequence which might be deduced from, the words of the oath, but to take the humane and liberal interpretation of it; in this ſenſe the amiable and virtuous Fenelon, if we may appeal to his univerſal conduct through life, took it; in this ſenſe the Gallican biſhops, famous for their free and tolerating ſpirit, have ever taken it.

By the ſame biſhops who ever have ſtood forth aſſertors of the rights of their church, has that part of the oath which relates to the defence of the Roman Papacy, been ever taken without ſcruple; and for this obvious reaſon, that as it defines no rights, it does not in any degree bind the perſon who takes it to ſupport Rome in her pretenſions to powers, which he conſiders as uſurpations. Yet, Sir, as I hate words which can bear a double ſenſe, I moſt ſincerely wiſh that theſe paſſages in the epiſcopal oath were omitted, that no offence might be given to any weak brother.

On your next ſentence, "the Pope's court "will naturally be the laſt place where his "ſupremacy will be diſowned, and where "learning has made the leaſt progreſs, ſuper-"ſtition will be the leaſt ſhaken." I will only

 obſerve,

obſerve, that though it is very natural that the Pope's court ſhould be the laſt place where his ſupremacy will be diſowned; yet I muſt totally differ from you in your ſuppoſition, that learning has made the leaſt progreſs in that court: on the contrary, I believe that Rome has ever poſſeſſed, in proportion to her ſize, as many (if not more) men, deeply ſkilled in every branch of learning, as any capital of Europe; and certainly her library ſtands unrivalled at this moment in the world.

Diſpoſed, Sir, as I muſt be to thank any man who ſees us with an eye of kindneſs; yet I cannot accept the compliment, your ſentence "but in this country the Roman Catholic is "but weakly attached to legendary doctrines "and inſignificant ceremonies, which his improved reaſon hath taught him to deſpiſe. "He ſwears allegiance to the King, abjures "any authority of the Pope to releaſe him "from that obligation, and is rather indeed "a member of the Gallican church, than a "Papiſt, in the proper ſenſe of the word, as "it ſignifies a defender of the Pope's ſecular "as well as ſpiritual ſovereignty," ſeems to pay us, without ſome diſcuſſion, without aſking you how this ſudden good opinion of us ſprung

up

up in your breaſt; without calling on you to reconcile this ſentence with thoſe in your pages 7, 8, and 9; without requeſting you to eſcape from the dilemma in which theſe paſſages ſeem to involve you. If, Sir, we hold that our oaths to an heretical government are not binding to our conſciences, as you aſſert in page 7, then all you now ſay of us is nugatory; if you really believe that our allegiance to our King, and our abjuration of the Pope's authority to free us from that obligation, is ſincere; then ſurely, Sir, that whole long and laboured argument by which you endeavoured to prove, that the poſition in the Diſſenters caſe was a falſe one; by your own avowal falls to the ground. Take which ſide of the argument you pleaſe, abide by either the firſt or laſt of your opinions in our regard as you chuſe, ſtill you are ſurely in direct contradiction with yourſelf.

Though what you ſay in page 14, on the hatred which all Diſſenters muſt bear to the eſtabliſhed church, would admit of ſome comments, though many examples might be given of countries where different religions have co-exiſted for long periods of time, without having undermined each other; and though I own I

cannot

cannot feel in my own mind that violent enmity to the eſtabliſhed church, which you ſuppoſe muſt burn in the breaſt of every Diſſenter from her; I will not enlarge on the ſubject, but will proceed to notice more particularly that ſentence in your next page; "the "removal therefore of the particular dangers, "which once threatened the civil and eccleſi-"aſtical conſtitution of this country from "Popery, was a juſt and ſufficient reaſon for "the repeal of the penal ſtatutes againſt the "Roman Catholics." Adhere, Sir, I intreat you, to this liberal ſentiment; and when I tell you that what your ſentence ſeems to indicate, that the penal laws againſt us are repealed, is by no means the truth; that we ſtill are moſt heavily and conſtantly oppreſſed by their continual operation; and that the utmoſt of our requeſt, from the juſtice and humanity of the legiſlature, has been to be placed in a ſituation much inferior to that of any other Diſſenter in this country: retract not, I beſeech you, and refuſe us not when we aſk you to do, what you approve, ſuppoſing it already done.

Before I enter, Sir, on the diſcuſſion of the principles laid down by your pages 16 and 17, I muſt premiſe, that I think with you, that the abſtract

abſtract queſtion you there diſcuſs, is not of much moment to the queſtion ſo lately at iſſue between the eſtabliſhed church and the Diſſenters; that in a ſtate where every thinking man muſt allow that the good does, in a very great proportion, outweigh the evil, it would be highly unwiſe to hazard the deſtruction of the fabric, for the ſake of removing ſmall inconveniencies; and that I therefore ſolemnly diſclaim any reference in what I ſhall ſay to the caſe of this country; as however you have choſen to diſcuſs this abſtract poſition, I muſt, conſiſtently with the plan I have laid down to myſelf, follow you through your arguments on this ſubject, and point out the many inaccuracies which I have obſerved in them.

You firſt ſuppoſe that the principle of government, ſuch as the Non-conformiſts wiſh it, is, that all ſects ſhould be equally unreſtrained, and equally unprotected. Now this, I think, is an unfair ſtatement of the caſe; for government, though it reſtrains none, ſhould protect all modes of religion; that is, ſhould ſecure to every ſect, whoſe practice did not violate thoſe great laws of morality, which in every ſtate of ſociety every member is bound to obſerve; the quiet and peaceable exerciſe of their own

particular mode of worſhip; and ſhould, in civil affairs, require no other than civil allegiance from every individual who is a member of the community. In this ſtate of things, if religious feuds broke out; that is, quarrels between ſects on religious ſubjects; for on civil ſubjects I do not ſee how any could ariſe; it would be the duty of the ſupreme power of the ſtate to repreſs and puniſh ſuch diſorders, as it would any other ſeditions which might accidentally diſturb the beſt conſtituted ſtate.

You proceed, "by the ſame reaſoning it might be proved, that the beſt method, to "compoſe the feuds of jarring factions in "the ſtate, would be to aboliſh civil govern-"ment. For in the very ſame ſenſe in which "an eſtabliſhment is itſelf the cauſe of the "dangers from Diſſenters, civil government is "itſelf the cauſe of all the miſchiefs which "ariſe from factions, conſpiracies, and trea-"ſons." This ſentence, as well as thoſe which precede it, is ſo ambiguous in its expreſſion, that it is no eaſy matter to aſcertain its preciſe meaning.

If you ſuppoſe, which appears the moſt obvious ſenſe of your words, that the Diſſenters object

object to a religious eſtabliſhment, as being the cauſe of feuds and diſorders in civil governments, and infer from thence that they muſt neceſſarily be enemies to civil government; becauſe *that* is the cauſe of treaſons, &c. againſt itſelf; your reaſoning is evidently abſurd, the caſes being entirely diſſimilar; the firſt, relating to the action of one ſubject on another; the laſt, being confined to the action of one ſubject on itſelf. If you ſuppoſe the Diſſenters adverſe to religious eſtabliſhments on the general principle of their being productive of evil to ſociety, and thence conclude, that they muſt be equally adverſe to civil government as the cauſe of rebellions and treaſons, &c. your reaſoning, though leſs abſurd, is equally defective; as it cannot be fairly inferred, that the perſon who thinks the inconveniencies of one eſtabliſhment greater than its advantages, muſt neceſſarily hold the ſame opinion with reſpect to another; and this inference is peculiarly unjuſt, when applied to the preſent queſtion, it being certain that ſociety cannot exiſt without ſome eſtabliſhed form of government, whereas religion is ſo far from requiring human protection, that it often has, and often muſt exiſt not only unſupported by human laws, but in direct oppoſition to them,

or the martyrs of the primitive church, and the miſſionaries whom you, Sir, as well as we, ſend into diſtant regions to overſet the eſtabliſhed religion of the countries where they go, and ſpread the light of the goſpel where the night of Paganiſm overſhadows the land, and is ſupported by the united power of its prieſts and the civil government; are no more than ſeditious and factious men, led by the operations of *original ſin*, to diſturb the eſtabliſhed order of the ſtates they infeſt.

I conclude the ſubject by repeating with you, "that the queſtion is of little moment what "might be the beſt policy of a lawgiver, with "reſpect to religious ſects in the firſt forma-"tion of a commonwealth;" but muſt obſerve, that it is no dream that civil ſociety firſt aroſe, in modern Europe at leaſt, from a tumultuary ſtate and a chaos of mankind. Whoever, Sir, has read the melancholy hiſtory of that period, when deſtruction, like a whirlwind, ruſhed on the Roman empire, and involved arts, and laws, and religion, in one common ruin; muſt own, that the wretched remnant of the inhabitants of every corner of Europe, whom the ſword of their ſavage invaders ſated with ſlaughter, or the flames, which devoured their cities, had

had ſpared; were reduced to a ſtate of confuſion, which may, without exaggeration, be called chaos; and which it would be impoſſible to credit, if the united teſtimony of contemporary authors did not force our belief of it. No one can deny, that a very great majority of the ſtates of modern Europe aroſe by gradual increaſe out of this confuſion.

In page 18, I find the following extraordinary rule of conduct for a wiſe ſtateſman. "He "makes the beſt of the conſtitution of his "country as he finds it. He *never* ventures "upon the dangerous experiment of unmaking "it to make it up better in another form." *Never* then, from the wiſdom or the humanity of their rulers, are the nations who yet languiſh under the yoke of a deſpotic tyranny to expect relief from their burthens; *never* can the generous ſpirit of their ſovereign emancipate them from hereditary ſlavery, and reſtore them to the rights of men, without incuring the heavy charge of folly,—if you, Sir, are to guide the opinions of men. And conſiſtently with your own reaſoning I ſhould wiſh to know what name you will give to thoſe men, who, little more than two centuries ſince, took from "a church, long ſince eſtabliſhed, rights

" which ſhe had long enjoyed," and placed on the national altar the religion you profeſs; inflicting at the ſame time moſt ſevere and bloody penalties on thoſe who, from conviction or habit, ſtill adhered to the religion of their anceſtors: or to thoſe who aboliſhed the ſtar-chamber and the court of wards; who ſecured our perſonal liberties by the innovations of the act of Habeas Corpus and the Bill of Rights; and taking from a family, " long ſince eſta-" bliſhed," the " rights they had long en-" joyed," placed on the national throne the anceſtors of the ſovereign to whom you have ſworn allegiance.

In page 19, you, however, ſeem to quit this poſition, and, again contradicting yourſelf, ſuppoſe, that " it may be the policy of go-" vernment" to do what, you told us juſt now, a wiſe ſtateſman *never* would do.

Your next ſentences I ſhall content myſelf with tranſcribing and earneſtly entreating my readers (in your words, page 62) " never to " lay my book out of his hand by day or " night, 'till he has gotten them by heart," then to revolve them ſeriouſly in his mind, and ponder well on the doctrines they contain.

On theſe doctrines I will not ſay one word. I will curb every ſenſation they excite in my mind. I will force my ſwelling breaſt to ſilence. "Not that the principle is univerſally "true, that the chief magiſtrate is to be de- "termined in the choice of his religion, by "the voice of the majority of the people. A "circumſtance, perhaps, of far more impor- "tance is the fitneſs of one church, rather "than another, by its internal form, to unite "with the civil conſtitution."

In your page 27, I find the following ſen- tence. "The excluſions however of the cor- "porations, and the teſt acts, hardly amount "to incapacities, becauſe they declare no "incapacities, but ſuch which the individual "hath in his power at any time to efface."

Do you, Sir, teach, that the tie of religion on the mind of an honeſt man, is of ſo ſlight a nature, that he can ſlip the knot if intereſt or convenience prompt him: that belief is merely a voluntary act, and our creed depends totally on our wiſhes; or, do you tell us all, that religion is an empty name; the difference of belief, a mere cloak which a wiſe man ſhould, and an honeſt man may, throw off or

wrap

wrap around him as the ſtate rains or ſhines on him. In truth, Sir, for your own ſake, I hope, that it is not by your buſhel that you meaſure out our corn; and that if Procruſtes-like, you propoſe that all conſciences ſhould be ſtretched or ſhortened to one ſtandard; you have not like him, given the ſtature of your own as the model for the operation.

My mind, Sir, lightens as I approach to the end of my ungrateful taſk; and though what remains of my work is indeed grievous, the quantity is but ſmall. Yet two ſentences, and I have done with you.

In your page 54, we read the following paragraph. "And now, if the poſition were admiſſible, which it is not, that the repeal of theſe acts would bring no hardſhip upon any; yet who are they, thoſe many faithful ſubjects of his Majeſty, to whom it would afford relief; not churchmen; for they cannot be aggrieved by the laws, which are the ſecurity of their rights. But our loyal Non-conformiſts would be relieved by the repeal. From what grievance? From the grievance from being excluded from public offices of profit and authority. But

if

" if the law, as it now ſtands, exclude them
" from theſe, it alſo excuſes them from
" offices of burthen. It was the ſolemn opi-
" nion of the judges, particularly of Mr.
" Juſtice Foſter and Mr. Juſtice Wilmot, in
" the famous caſe of Allen Evans, that the
" immunity on the one hand compenſates the
" inability on the other; and, as equal forces,
" acting in oppoſite directions, deſtroy each
" others ſeparate effects, the total effect of
" the teſt laws, upon the body of the Diſ-
" ſenters, is neither grievance nor advantage.
" But where no grievance hath taken place,
" no relief can be afforded."

I will juſt ſtate to our readers the ſum total of the offices of burthen, the excuſal from which in your mind balances the excluſion from all public offices of profit and authority; and in the liſt of burthens, I ſhall place ſome offices which can ſcarcely be fairly called ſo, that of ſheriff, for example, which enobling the perſon who ſerves it, is not unfrequently ſought for. However,

Burthens.	Advantages.
Sheriff,	All Civil Offices,
Conſtable,	All Legal Offices,
Headborough,	All Military Offices,
Churchwarden.	All Naval Offices.

the

the balance of theſe accounts let any man ſtrike; and having ſtruck it, let him then give the name he thinks it deſerves, to that wonderful morſel of mathematical reaſoning in which you call theſe oppoſite forces equal. Equal. Good God! Equal. Oh, Sir, had that eminent mathematician, in whoſe ſkin you have dreſſed you, been the real author of this book, would he, could he have thus abuſed his readers, and, under the ſemblance of accuracy, thus inſinuated abſurdity?

But, Sir, an heavier charge againſt you yet remains; a charge which I ſhall ſimply ſtate. It requires no comment. You ſay, that "it was the ſolemn opinion of the judges, "particularly of Mr. Juſtice Forſter and Mr. "Juſtice Wilmot, in the famous caſe of Allen "Evans, that the immunity on the one hand "compenſates the inability on the other."

As you quote no authority for this aſſertion, it is not eaſy to detect you directly; and, after much enquiry, I cannot find that Mr. Juſtice Wilmot's argument has ever been publiſhed. But in the Appendix to Dr. Furneaux's Letters to Judge Blackſtone, Second Edition, the caſe of Allen Evans is fully ſtated, and the

the argument of Mr. Juſtice Foſter is given at length, from his original notes, communicated by his nephew, Mr. Dodſon. In this whole argument (which for its perſpicuity and learning is well worthy peruſal,) I do aſſert, that there is not one ſentence which has even a diſtant reference to what you advance, or which can by the moſt forced interpretation be made to bear a ſenſe in the leaſt like what you attribute to it; indeed, any ſuch poſition would have been totally foreign from the caſe, which is ſimply this: The city of London, with a view of raiſing money, elected Diſſenters for their Sheriffs, and levied fines on them for not ſerving that office; having by this honourable method got £. 15000, a man was at length found who reſiſted their perſecution, and brought the queſtion to a deciſion, by refuſing to pay the fine. The Judges Delegates unanimouſly gave it as their opinion, that Evans was not finable for refuſing to ſerve the office of Sheriff, being legally ineligible to it. On an appeal to the Houſe of Lords, the Judges, (except Mr. Baron Perrott) were unanimous in the ſame opinion. The only point here at iſſue was, whether a ſtatute, which generally operates to the diſadvantage of a particular

deſcription of men, ſhould not be permitted to operate to their benefit, if it ſhould happen that ſuch a caſe ſhould ariſe; but no queſtion did or could ariſe, whether the benefit was or was not adequate to the diſadvantage.

Now, Sir, though it would have been of little moment to the real queſtion, if all the Judges had held the opinion which you attribute to them; as no authority, however great, can give reaſon to a poſition, which in its nature is evidently abſurd; yet this conſideration does not diminiſh your guilt in thus deliberately attributing to Mr. Juſtice Foſter a language he did not and could not hold, and endeavouring, by ſuch authority, to miſlead your readers. What name ſhould in controverſy be given to an act like this, I know not; but in a court of juſtice, I well know, both the name and the puniſhment affixed to ſimilar practices.

You, Sir, before you ſtated (page 56) the guilt which the Majeſty of Britain would incur before heaven, by a repeal of the laws in queſtion; before you had repreſented ſuch a meaſure as an infraction of the coronation oath,

oath, "would have done well to conſider." "You have not conſidered" by what name we and you are to call the aſſent which his preſent Majeſty has already given to the repeal of the Teſt Act in regard to Ireland; or to ſhew that the coronation oath did not extend to that kingdom.

"You had done well" to tell us in what light you conſidered the conduct of thoſe ſovereigns, who firſt brought into this country the preſent eſtabliſhed church, having taken a coronation oath equally ſolemn with that of to-day, to maintain the old one; leſt we from your own mouth ſhould either conſider you as deriving your rights from perjury; or retort on you the accuſation we have ſo long in ſilence borne from you, that where the advantage of your church is in queſtion, you conſider no oath as binding.

To you, Sir, I ſay no more; but to what I have ſaid, though to an anonymous adverſary, I ſcruple not to affix my name; yet, I truſt, it is of leſs moment to my book than to yours, that the public ſhould know who has written it. You, Sir, aſſert many things without proof,

you give only your word as a ſanction for many facts which you advance. It was therefore incumbent on you, by your image and ſuperſcription, to give authority and currency to the coin you iſſue. I hope that I have eſtabliſhed my poſitions on ſound and ſolid proof; that the ſtandard of my book will not ſhrink from the aſſay; yet I ſign my name, becauſe I fear not to avow to the whole world the principles I firmly hold; and I hope that by ſo doing, I ſhall force you to an avowal, tardy indeed and reluctant, yet to the deluded public juſt and neceſſary, of your real name. They will then judge of the degree of confidence which they ought to repoſe on your aſſertions; they will (which is of much more conſequence) no longer harbour a ſuſpicion that from a character ſo reſpectable as the Biſhop of St. David's this book could have originated.

This ſuſpicion, at leaſt, it is in your power, my Lord Biſhop of St. David's, to remove. To your Lordſhip I therefore repeat this ſolemn appeal. By your regard for juſtice, by the ſacred tie of Chriſtian charity, I adjure you to undeceive the world, to tell us, if we

are

are not to know who *is* the author of "The "Review of the Caſe of the Diſſenters;" that *you;* at leaſt, are not; that in your mind, elevated and enlarged by the nobleſt of ſtudies, prejudices ſo narrow can find no place; arguments ſo inconclufive could not have been formed. It is not for myſelf I aſk; I am not now, my Lord, to learn the extent of your abilities, or the ſoundneſs of your reaſon. Under your banners, and by your ſide, I recollect it with pride and pleaſure, I once fought in defence of an injured individual; the victory gained at that time, I have ever conſidered as owing principally to your firm and generous exertions.

An ampler field, my Lord, is now opened for your juſt and noble ſpirit; not one, but many injured men now look to you for material relief; relief not from the effects of private injury, but from the operations of long rooted prejudice, ſeparating them from the affections of their countrymen, and cutting them off from many of the deareſt privileges of citizens. Nor is what we aſk of you a long or laborious exertion. A word, my Lord, frees us from the pain of ſuppoſing that your ſituation

ation and abilities give weight to the charges againſt us contained in the Review. Speak the word then, my Lord, ſpeak it aloud, and let our countrymen know, that whatever root the prejudices againſt us may yet hold in meaner minds, your breaſt ſwells with nobler ſentiments; with Candor and Juſtice, becoming a Britiſh Legiſlator; with Charity and Benevolence, the brighteſt Virtues of a Chriſtian Prelate.

HENRY C. ENGLEFIELD

May 1790.

APPENDIX.

AS very erroneous ideas have been formed by many perſons with reſpect both to the number and nature of the penal laws ſtill remaining in force againſt the Catholics of this kingdom; and as the ſeverity of thoſe laws has been frequently mentioned, though in general terms, in the foregoing pages, it ſeems not improper to reprint the following ſtatement of our preſent ſituation in this country; both as a voucher for the truth of what I have advanced, and as giving to our countrymen a compleat idea of our real ſituation.

Of the accuracy of this caſe no perſons will have a doubt, when they are informed that it was drawn up by the maſterly pen of Mr. CHARLES BUTLER.

THE

THE CASE OF THE

ENGLISH CATHOLIC DISSENTERS.

THE laws in force againſt the Engliſh Catholic Diſſenters may be ranged under four heads.

I. Thoſe which ſubject them to penalties and puniſhments for exerciſing their religious worſhip; under which head may be ranked the laws reſpecting their places of education, and the miniſters of their church.

By theſe laws, if any Catholic Diſſenting Prieſt, born in the dominions of the Crown of England, come to England from beyond the ſeas, or tarry in England three days, without conforming to the church, he is guilty of high treaſon: thoſe alſo incur the guilt of high treaſon, who are reconciled to the See of Rome, or procure others to be reconciled to it. 27 Eliz. c. 2. 3 Jac. I. c. 4.

For the laſt offence, a Catholic Diſſenting Clergyman was tried in 1786. One witneſs only,

only, being produced againſt him, he was acquitted upon the ſtatute of the vii. of King William, by which two witneſſes are required to convict a man of high treaſon.

By theſe laws alſo, the Engliſh Catholic Diſſenters are totally diſabled from giving their children any education in their own religion. If they educate them *at home*, then, for maintaining the ſchool-maſter, if he do not repair to church, or be not allowed by the biſhop of the dioceſe, they are liable to forfeit 10 l. a month; and the ſchool-maſter, forty ſhillings a day. If they ſend them for education, to any ſchool of their perſuaſion, *abroad*, they are liable to forfeit 100 l. and the children ſo ſent are diſabled from inheriting, purchaſing, and enjoying any lands, profits, goods, debts, duties, legacies, or ſums of money. Saying maſs, is puniſhable by a forfeiture of 200 marks; hearing it, by a forfeiture of 100. 1 Jac. I. c. 4. 3 Jac. I. c. 5. 3 Car. II. c. 1. 23 Eliz. c. 1. 3 Jac. I. c. 5.

For the offences of celebrating maſs, ſeveral Catholic Diſſenting Prieſts, now living, have been proſecuted. In 1770, the Hon. James Talbot, the brother of the late Earl of Shrewſ-

bury, was tried at the Old Bailey ſeſſions, for exerciſing the functions of a Romiſh Prieſt, and acquitted for want of evidence. At the ſummer aſſizes for the county of Surry, in 1767, Mr. Malony was tried, and found guilty of adminiſtering the ſacrament of our Lord's Supper, according to the rites of the See of Rome. He remained in priſon for ſome years, and was afterwards pardoned, on condition of perpetual baniſhment.

II. Under the ſecond Head, are thoſe Laws, which puniſh the Engliſh Catholic Diſſenters, for not conforming to the eſtabliſhed church: theſe are generally called The Statutes of Recuſancy.

It ſhould be obſerved, that abſence from church alone, and unaccompanied by any other act, conſtitutes Recuſancy.

Till the ſtatute of 35 Eliz. chap. 2. All Diſſenters were conſidered as Recuſants, and were all equally ſubject to the penalties of Recuſancy: that ſtatute was the firſt penal ſtatute made againſt Popiſh Recuſants by that name, and as diſtinguiſhed from other Recuſants.—

From

From that ſtatute aroſe the diſtinction between Proteſtant Diſſenters, and Engliſh Catholic Diſſenters—or, as they are called in the law, Recuſants. The former were ſubject to ſuch ſtatutes of Recuſancy, as preceded that of the 35th of Queen Elizabeth, and to ſome ſtatutes againſt Recuſancy, made ſubſequently to that time; but they were relieved from them all, by the act of Toleration in the firſt year of King William's reign.

By the ſtatutes againſt Popiſh Recuſants convict, they are puniſhable by the cenſures of the church, and by a fine of 20l. for every month during which they abſent themſelves from church; they are diſabled from holding offices or employments; from keeping arms in their houſes; from maintaining actions or ſuits at law, or in equity; from being executors or guardians; from preſenting to advowſons; from practiſing the law or phyſic; and from holding offices, civil or military.—They are ſubject to the penalties attending excommunication; are not permitted to travel five miles from home, unleſs by licence, upon pain of forfeiting all their goods; and may not come to court under pain of 100l. A married wo-

man, when convicted of Recuſancy, is liable to forfeit two-thirds of her dower or jointure.—She cannot be executrix or adminiſtratrix to her huſband; nor have any part of his goods; and, during her marriage, ſhe may be kept in priſon, unleſs her huſband redeems her, at the rate of 10l. a month, or the third part of his lands:—Popiſh Recuſants convict muſt, within three months after conviction, either ſubmit, and renounce their religious opinions; or, if required by four juſtices, muſt abjure the realm, and if they do not depart, or if they return without licence, they are guilty of felony, and ſuffer death as felons. 1 Eliz. c. 2. 23 Eliz. c. 1. 35 Eliz. c. 2. 3 Jac. I. c. 45. 7 Jac. I. c. 6. 7 & 8 W. c. 27. 1 G. I. c. 13.

It materially increaſes the oppreſſion and ſeverity of theſe laws, that any juſtice of the peace may convict a Diſſenting Catholic of Recuſancy, by *a very ſummary proceſs*, without any previous information, or complaint againſt him.

In the year 1782—Two very poor Catholic Diſſenting Labourers, and their wives, were ſummoned by one of his Majeſty's Juſtices of the

the Peace, and fined 1 s. each, for not repairing to church: and the conſtable raiſed it, by diſtraining in the houſe of one of them, an oak table, a fir table, and a plate ſhelf—in the houſe of the other, a ſhelf, and two dozen of delf plates, one pewter diſh, with four pewter plates, one oak table, and one arm chair.—The ſale was publicly called, at the market-day, and the goods were ſold by auction at their reſpective houſes. The conſtable's bill was in theſe words:

	£.		
To not attending church	0	2	0
To a warrant - -	0	1	0
To conſtable's expences -	0	2	0
	0	5	0

III. The laws, which ſubject them to penalties for not taking the Oath of Supremacy, and the Declaration againſt Popery.

1*ſtly*, With reſpect to the *Oath of Supremacy*, the ſtatutes of the 1ſt of King William and Queen Mary, and the 1ſt of George I. contain an oath, by which perſons are made to ſwear, that "No foreign Prince, Perſon, Prelate, State,

"or

" or Potentate, hath, or ought to have, any " Juriſdiction, Power, Supremacy, Pre-emi- " nence or Authority, Eccleſiaſtical or Spiri- " tual, within this realm." It is *required* to be taken by the perſons therein named, and it may be *tendered* to any perſon by any two Juſtices of the Peace. 1 W. & M. 1 G. I.

The Engliſh Catholic Diſſenters object to take this oath, becauſe, like every other church in communion with the See of Rome, they acknowledge the ſpiritual primacy of the Pope. But they do not acknowledge in him any right, power, or pre-eminence, either temporal, eccleſiaſtical, or ſpiritual within this realm, that can, directly or indirectly, affect or interfere with the rights, the perſon, or the property of the King; or the rights, perſons, or properties of any of his ſubjects.

By refuſing to take the Oath of Supremacy, when tendered to them, they become liable to all the above-mentioned penalties of Recuſancy: they are reſtrained from practiſing the law, as Advocates, Barriſters, Solicitors, Attornies, Notaries, or Proctors—They are reſtrained from voting at elections, and conſequently

quently are unrepreſented in Parliament. 1 G. I. c. 2. 7 & 8 20. c. 22, 27.

2*dly*. With reſpect to the *Declaration againſt Popery*; an act paſſed in the 30th year of King Charles II. contains a Declaration, to be made by the Members of either Houſe of Parliament, before they take their ſeats. By this they declare their diſbelief of the doctrine of tranſubſtantiation, and their belief, that the invocation of the ſaints and the ſacrifice of the maſs are idolatrous. 30 Car. II.

This Declaration the Engliſh Catholic Diſſenters cannot make, as the doctrines, to which it refers, are among the articles of their religious credence.—But, whatever may be their ſentiments on the ſacrament of our Lord's Supper—on the moſt proper mode of publickly worſhiping the Deity, or the nature of the intercourſe between the living and the dead; they beg leave to obſerve, that all theſe doctrines are in themſelves harmleſs and inoffenſive; and that, as they *cannot* diſable thoſe who hold them, from performing any of the duties, they *ought* not to deprive them of participating in any of the rights of Engliſh ſubjects.

jects. Yet, for their particular opinions upon thoſe doctrines, the Engliſh Catholic Diſſenters are diſqualified from being choſen members of the Houſe of Commons, and their Peers are deprived of their hereditary ſeats in Parliament.

IV. The laws affecting their Landed Property.

How this is affected by the laws againſt Recuſancy has been already mentioned.—Beſides which, the Engliſh Catholic Diſſenters are diſabled, by other laws, from preſenting to advowſons, and all other eccleſiaſtical benefices, and to hoſpitals and other charitable eſtabliſhments, though founded by their own anceſtors.—They are ſubjected, by annual acts of the legiſlature, to the vexatious and ignominious burthen of the double land-tax, and they are obliged, on every occaſion, to diſcloſe the ſecret tranſactions of their families, by reaſon of the expenſive obligation impoſed on them of enrolling their deeds and wills. 1 W. & M. c. 26. 12 Ann. c. 14. 11 G. II. c. 17. 1 G. I. c. 55. 3 G. I. c. 18. continued by ſeveral ſubſequent ſtatutes.

Theſe

Theſe are the principal laws againſt the Engliſh Catholic Diſſenters. To the Teſt Act, and to every other penalty, to which other Diſſenters are ſubject,—the Catholic Diſſenters are equally liable. 25 Car. II.

There have been recent inſtances of proſecutions againſt them, upon theſe laws. But to give them effect, no *actual proſecution* is neceſſary. In many caſes, *without the formality of an action*, and in ſome, *without even the intervention of an informer*, by an operation,—unobſerved by the community at large, but ſeverely felt by the victims of it, theſe laws continually force themſelves into execution,—and, in an age of ſcience and philoſophy, in a land of freedom and happineſs, and in the midſt of univerſal toleration, deprive the Engliſh Catholic Diſſenters of many of the rights of Engliſh ſubjects, and the common rights of mankind;—invite public prejudice and defamation upon them;—cramp their induſtry;—abridge them in the means of providing for their families;—drive them abroad for education; obtrude them on foreigners for ſubſiſtence;—and make them as it were, aliens in their own native country.

The act paſſed for their relief in the 18th Year of his preſent Majeſty, was a repeal of one particular law, which greatly obſtructed them in the enjoyment of their landed property, and was otherwiſe very oppreſſive on them. But it was not a repeal of *any one* of the laws above ſpecified.

FINIS.